

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re REFCO INC. SECURITIES LITIGATION

Case No. 07-MD-1902 (GEL)

This Document Relates to:

KENNETH M. KRYSS and CHRISTOPHER STRIDE, as JOINT OFFICIAL LIQUIDATORS of SPHINX LTD., SPHINX STRATEGY FUND LTD.;  
SPHINX PLUS SPC LTD., SPHINX DISTRESSED LTD., SPHINX MERGER ARBITRAGE LTD.; SPHINX SPECIAL SITUATIONS LTD., SPHINX MACRO LTD.; SPHINX LONG/SHORT EQUITY LTD.; SPHINX MANAGED FUTURES LTD.; SPHINX EQUITY MARKET NEUTRAL LTD.; SPHINX CONVERTIBLE ARBITRAGE LTD.; SPHINX FIXED INCOME ARBITRAGE LTD.; SPHINX DISTRESSED FUND SPC; SPHINX MERGER ARBITRAGE FUND SPC; SPHINX SPECIAL SITUATIONS FUND SPC; SPHINX MACRO FUND SPC; SPHINX LONG/SHORT EQUITY FUND SPC; SPHINX MANAGED FUTURES FUND SPC; SPHINX EQUITY MARKET NEUTRAL FUND SPC; SPHINX CONVERTIBLE ARBITRAGE FUND SPC; SPHINX FIXED INCOME ARBITRAGE FUND SPC; PLUSFUNDS MANAGED ACCESS FUND SPC LTD.; KENNETH M. KRYSS and CHRISTOPHER STRIDE as assignees of claims assigned by MIAMI CHILDREN'S HOSPITAL FOUNDATION, OFI, GREEN & SMITH INVESTMENT MANAGEMENT LLC, THALES FUND MANAGEMENT LLC, KELLNER DILEO & CO., LLC, MARTINGALE ASSET MANAGEMENT LP, LONGACRE FUND MANAGEMENT LLC, ARNHOLD & S. BLEICHROEDER ADVISERS LLC, PICTET & CIE, RGA AMERICA REINSURANCE COMPANY, DEUTSCHE BANK (SUISSE) SA, ARAB MONETARY FUND, HANSARD INTERNATIONAL LTD., CONCORDIA

Case No. 08-cv-3065 (GEL)

Case No. 08-cv-3086 (GEL)

**MOTION FOR *PRO HAC*  
*VICE* ADMISSION OF  
SAMUEL R. RANDALL**

ADVISORS LLC, GABELLI SECURITIES, INC., :  
CITCO GLOBAL CUSTODY; and JAMES :  
P. SINCLAIR as Trustee of the SPHINX TRUST, :

Plaintiffs, :

-against- :

CHRISTOPHER SUGRUE; MARK :  
KAVANAGH; BRIAN OWENS; :  
PRICEWATERHOUSECOOPERS L.L.P.; MARI :  
FERRIS; PRICEWATERHOUSECOOPERS :  
CAYMAN ISLANDS; GIBSON, DUNN & :  
CRUTCHER LLP; REFCO ALTERNATIVE :  
INVESTMENTS LLC; GRANT THORNTON :  
LLP; MARK RAMLER; ERNST & YOUNG U.S. :  
LLP; MAYER BROWN LLP f/k/a MAYER :  
BROWN ROWE & MAW LLP; JOSEPH :  
COLLINS; EDWARD S. BEST; PAUL KOURY; :  
PHILLIP R. BENNETT; ROBERT C. TROSTEN; :  
TONE GRANT; SANTO MAGGIO; THOMAS :  
HACKL; DENNIS KLEJNA; BAWAG P.S.K. :  
BANK FUR ARBEIT UND WIRTSCHAFT UND :  
OSTERREICHISCHE POSTPARKASSE :  
AKTIENGESELLSCHAFT; JP MORGAN :  
CHASE & CO.; CREDIT SUISSE SECURITIES :  
(USA) LLC f/k/a CREDIT SUISSE FIRST :  
BOSTON LLC; BANC OF AMERICA :  
SECURITIES LLC; THOMAS H. LEE :  
PARTNERS, L.P.; THOMAS H. LEE :  
ADVISORS, LLC; THL MANAGERS V, LLC; :  
THL EQUITY ADVISORS V, L.P.; THOMAS H. :  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE :  
PARALLEL FUND V, L.P.; THOMAS H. LEE :  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS :  
H. LEE INVESTORS LIMITED PARTNERSHIP; :  
1997 THOMAS H. LEE NOMINEE TRUST; :  
THOMAS H. LEE; DAVID V. HARKINS; :  
SCOTT L. JAECKEL; SCOTT A. SCHOEN; :  
WILLIAM T. PIGOTT; LIBERTY CORNER :  
CAPITAL STRATEGIES, LLC; EMF :  
FINANCIAL PRODUCTS LLC; EMF CORE :  
FUND LTD.; DELTA FLYER FUND LLC; ERIC :  
M. FLANAGAN; INGRAM MICRO, INC.; CIM :  
VENTURES, INC.; BECKENHAM TRADING :  
CO., INC.; ANDREW KRIEGER; COAST :  
ASSET MANAGEMENT, LLC, f/k/a COAST :  
ASSET MANAGEMENT LP; CS LAND :  
MANAGEMENT LLC; CHRISTOPHER :

PETTIT; and REFCO GROUP HOLDINGS, :  
INC.; and REFCO ASSOCIATES, INC., :  
 :  
Defendants :  
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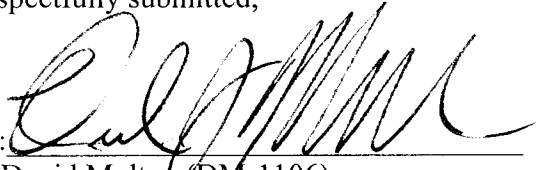
Pursuant to Local Civil Rule 1.3(c), undersigned counsel respectfully moves for the admission *pro hac vice* of the following attorney in the above-captioned matters:

Samuel R. Randall  
Beus Gilbert PLLC  
4800 North Scottsdale Road, Suite 6000  
Scottsdale, Arizona 85251  
Tel. (480) 429-3000  
Fax. (480) 429-3100  
Email: [srandall@beusgilbert.com](mailto:srandall@beusgilbert.com)

Mr. Randall is a member in good standing of the bar of the State of Arizona. There are no pending disciplinary proceedings against Mr. Randall in state or federal court. This Motion is based on the accompanying affirmation of David Molton and affidavit of Samuel R. Randall and a Certificate of Good Standing from the bar of the State of Arizona. A proposed Order is attached hereto.

Dated: New York, New York  
May 27, 2008

Respectfully submitted,

By:   
David Molton (DM-1106)  
BROWN RUDNICK BERLACK ISRAELS LLP  
Seven Times Square  
New York, New York 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801

*Co-Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
In re REFCO INC. SECURITIES LITIGATION :  
:  
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Case No. 07-MD-1902 (GEL)

This Document Relates to:

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KENNETH M. KRYN and CHRISTOPHER :  
STRIDE, as JOINT OFFICIAL LIQUIDATORS :  
of SPHINX LTD., SPHINX STRATEGY FUND :  
LTD.; :  
SPHINX PLUS SPC LTD., SPHINX :  
DISTRESSED LTD., SPHINX MERGER :  
ARBITRAGE LTD.; SPHINX SPECIAL :  
SITUATIONS LTD., SPHINX MACRO LTD.; :  
SPHINX LONG/SHORT EQUITY LTD.; :  
SPHINX MANAGED FUTURES LTD.; SPHINX :  
EQUITY MARKET NEUTRAL LTD.; SPHINX :  
CONVERTIBLE ARBITRAGE LTD.; SPHINX :  
FIXED INCOME ARBITRAGE LTD.; SPHINX :  
DISTRESSED FUND SPC; SPHINX MERGER :  
ARBITRAGE FUND SPC; SPHINX SPECIAL :  
SITUATIONS FUND SPC; SPHINX MACRO :  
FUND SPC; SPHINX LONG/SHORT EQUITY :  
FUND SPC; SPHINX MANAGED FUTURES :  
FUND SPC; SPHINX EQUITY MARKET :  
NEUTRAL FUND SPC; SPHINX :  
CONVERTIBLE ARBITRAGE FUND SPC; :  
SPHINX FIXED INCOME ARBITRAGE FUND :  
SPC; PLUSFUNDS MANAGED ACCESS FUND :  
SPC LTD.; KENNETH M. KRYN and :  
CHRISTOPHER STRIDE as assignees of claims :  
assigned by MIAMI CHILDREN'S HOSPITAL :  
FOUNDATION, OFI, GREEN & SMITH :  
INVESTMENT MANAGEMENT LLC, THALES :  
FUND MANAGEMENT LLC, KELLNER :  
DILEO & CO., LLC, MARTINGALE ASSET :  
MANAGEMENT LP, LONGACRE FUND :  
MANAGEMENT LLC, ARNHOLD & S. :  
BLEICHROEDER ADVISERS LLC, PICTET & :  
CIE, RGA AMERICA REINSURANCE :  
COMPANY, DEUTSCHE BANK (SUISSE) SA, :  
ARAB MONETARY FUND, HANSARD :  
INTERNATIONAL LTD., CONCORDIA :  
ADVISORS LLC, GABELLI SECURITIES, INC., :  
CITCO GLOBAL CUSTODY; and JAMES :

Case No. 08-cv-3065 (GEL)

Case No. 08-cv-3086 (GEL)

**AFFIRMATION OF DAVID  
MOLTON IN SUPPORT  
OF MOTION FOR  
ADMISSION OF COUNSEL  
PRO HAC VICE**

P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICewaterHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICewaterHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.; CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND  
MANAGEMENT LLC; CHRISTOPHER  
PETTIT; and REFCO GROUP HOLDINGS,  
INC.; and REFCO ASSOCIATES, INC.,

Defendants :

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David Molton declares as follows:

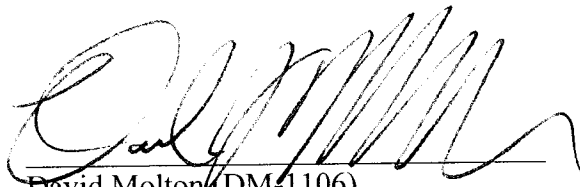
1. I am a member in good standing of the bar of the State of New York and a partner of Brown Rudnick Berlack Israels LLP, Seven Times Square, New York, New York 10036, co-counsel for plaintiffs Kenneth M. Krys and Christopher Stride as Joint Official Liquidators of SPHinx, Ltd., SPHinx Macro Fund SPC, SPHinx Macro, Ltd., SPHinx Managed Futures Fund SPC, SPHinx Long/Short Equity Fund SPC, SPHinx Convertible Arbitrage Fund SPC, SPHinx Fixed Income Arbitrage Fund SPC, SPHinx Distressed Fund SPC, SPHinx Merger Arbitrage Fund SPC, SPHinx Special Situations Fund SPC, SPHinx Equity Market Neutral Fund SPC, SPHinx Strategy Fund, Ltd., SPHinx Plus SPC, Ltd., SPHinx Managed Futures, Ltd., SPHinx Long/Short Equity, Ltd., SPHinx Convertible Arbitrage, Ltd., SPHinx Fixed Income Arbitrage, Ltd., SPHinx Distressed, Ltd., SPHinx Merger Arbitrage, Ltd., SPHinx Special Situations, Ltd., SPHinx Equity Market Neutral, Ltd., and PlusFunds Managed Access Fund SPC, Ltd., Kenneth M. Krys and Christopher Stride as assignees of claims assigned by Miami Children's Hospital Foundation, OFI, Green & Smith Investment Management LLC, Thales Fund Management LLC, Kellner Dileo & Co., LLC, Martingale Asset Management LP, Longacre Fund Management LLC, Arnhold & S. Bleichroeder Advisers LLC, PicTet & Cie, RGA America Reinsurance Company, Deutsche Bank (Suisse) SA, Arab Monetary Fund, Hansard International Ltd., Concordia Advisors LLC, Gabelli Securities, Inc., Citco Global Custody and James P. Sinclair, as Trustee of the SPHinx Trust.

2. I make this affirmation in support of the application of Samuel R. Randall, Esq. for admission to the bar of this Court *pro hac vice*.

3. An original affidavit from Mr. Randall in support of his application for admission to the bar of this Court *pro hac vice* has also been filed with the Court.

4. I will be associated with Mr. Randall in the prosecution of this matter, and I or another member or associate of Brown Rudnick Berlack Israels LLP will file papers, enter appearances, and sign all pleadings, briefs and other papers to be filed with the Court as required by the Rules of this Court.

Dated: New York, New York  
May 27, 2008



David Molton (DM-1106)  
Brown Rudnick Berlack Israels LLP  
Seven Times Square  
New York, New York 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801  
dmolton@brownrudnick.com

*Co-Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: In re REFCO INC. SECURITIES LITIGATION :  
: -----X

Case No. 07-MD-1902 (GEL)

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SPHINX PLUS SPC LTD., SPHINX DISTRESSED LTD., SPHINX MERGER ARBITRAGE LTD.; SPHINX SPECIAL SITUATIONS LTD., SPHINX MACRO LTD.; SPHINX LONG/SHORT EQUITY LTD.; SPHINX MANAGED FUTURES LTD.; SPHINX EQUITY MARKET NEUTRAL LTD.; SPHINX CONVERTIBLE ARBITRAGE LTD.; SPHINX FIXED INCOME ARBITRAGE LTD.; SPHINX DISTRESSED FUND SPC; SPHINX MERGER ARBITRAGE FUND SPC; SPHINX SPECIAL SITUATIONS FUND SPC; SPHINX MACRO FUND SPC; SPHINX LONG/SHORT EQUITY FUND SPC; SPHINX MANAGED FUTURES FUND SPC; SPHINX EQUITY MARKET NEUTRAL FUND SPC; SPHINX CONVERTIBLE ARBITRAGE FUND SPC; SPHINX FIXED INCOME ARBITRAGE FUND SPC; PLUSFUNDS MANAGED ACCESS FUND SPC LTD.; KENNETH M. KRYSS and CHRISTOPHER STRIDE as assignees of claims assigned by MIAMI CHILDREN'S HOSPITAL FOUNDATION, OFI, GREEN & SMITH INVESTMENT MANAGEMENT LLC, THALES FUND MANAGEMENT LLC, KELLNER DILEO & CO., LLC, MARTINGALE ASSET MANAGEMENT LP, LONGACRE FUND MANAGEMENT LLC, ARNHOLD & S. BLEICHROEDER ADVISERS LLC, PICTET & CIE, RGA AMERICA REINSURANCE COMPANY, DEUTSCHE BANK (SUISSE) SA, ARAB MONETARY FUND, HANSARD INTERNATIONAL LTD., CONCORDIA ADVISORS LLC, GABELLI SECURITIES, INC.,

Case No. 08-cv-3065 (GEL)

Case No. 08-cv-3086 (GEL)

**AFFIDAVIT OF SAMUEL RANDALL  
IN SUPPORT OF MOTION  
FOR ADMISSION OF COUNSEL  
PRO HAC VICE**



CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICEWATERHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICEWATERHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.; CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND



MANAGEMENT LLC; CHRISTOPHER  
 PETTIT; and REFCO GROUP HOLDINGS,  
 INC.; and REFCO ASSOCIATES, INC.,  
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 Defendants :  
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STATE OF ARIZONA        )  
                                   ) ss.:  
 COUNTY OF MARICOPA    )

SAMUEL R. RANDALL being duly sworn, deposes and says:

1. I am an associate at the law firm of Beus Gilbert PLLC. I am eligible to practice and am a member in good standing of the bar of the State of Arizona. A Certificate of Good Standing from the bar of the State of Arizona is appended hereto. I have not been suspended or disbarred in any court and am a member in good standing in the jurisdiction in which I practice.


2. Plaintiffs Kenneth M. Kryns and Christopher Stride as Joint Official Liquidators of SPhinX, Ltd., SPhinX Macro Fund SPC, SPhinX Macro, Ltd., SPhinX Managed Futures Fund SPC, SPhinX Long/Short Equity Fund SPC, SPhinX Convertible Arbitrage Fund SPC, SPhinX Fixed Income Arbitrage Fund SPC, SPhinX Distressed Fund SPC, SPhinX Merger Arbitrage Fund SPC, SPhinX Special Situations Fund SPC, SPhinX Equity Market Neutral Fund SPC, SPhinX Strategy Fund, Ltd., SPhinX Plus SPC, Ltd., SPhinX Managed Futures, Ltd., SPhinX Long/Short Equity, Ltd., SPhinX Convertible Arbitrage, Ltd., SPhinX Fixed Income Arbitrage, Ltd., SPhinX Distressed, Ltd., SPhinX Merger Arbitrage, Ltd., SPhinX Special Situations, Ltd., SPhinX Equity Market Neutral, Ltd., and PlusFunds Managed Access Fund SPC, Ltd., Kenneth M. Kryns and Christopher Stride as assignees of claims assigned by Miami Children's Hospital Foundation, OFI, Green & Smith Investment Management LLC, Thales Fund Management LLC, Kellner Dileo & Co., LLC, Martingale Asset Management LP, Longacre Fund Management LLC, Arnhold & S. Bleichroeder Advisers LLC, PicTet & Cie, RGA America Reinsurance Company, Deutsche Bank (Suisse) SA, Arab Monetary Fund, Hansard International Ltd., Concordia Advisors LLC, Gabelli Securities, Inc., Citco Global Custody and James P. Sinclair, as Trustee of the SPhinX Trust (collectively, "Plaintiffs"), have requested to be represented by me.

3. I understand that I am charged with knowing and complying with the Rules of this Court, including disciplinary rules, and with paying all required fees.

Based on the foregoing, I respectfully request admission to this Court for the purpose of appearing, arguing, and if necessary, trying the case on behalf of Plaintiffs.

  
SAMUEL RANDALL

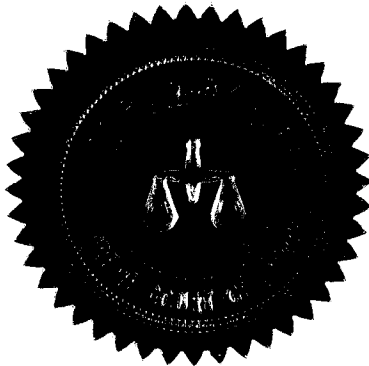
Sworn to before me  
this 19<sup>th</sup> day of May 2008

  
Notary Public



**CERTIFICATE OF GOOD STANDING  
ISSUED BY THE DISCIPLINARY CLERK  
FOR AND ON BEHALF OF  
THE SUPREME COURT OF ARIZONA**

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **SAMUEL RANDALL**, was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on May 25, 2006, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 19<sup>th</sup> day of May, 2008.

Leticia V. D'Amore  
Leticia V. D'Amore  
Disciplinary Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION :  
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Case No. 07-MD-1902 (GEL)

This Document Relates to:

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STRIDE, as JOINT OFFICIAL LIQUIDATORS :  
of SPHINX LTD., SPHINX STRATEGY FUND :  
LTD.; :  
SPHINX PLUS SPC LTD., SPHINX :  
DISTRESSED LTD., SPHINX MERGER :  
ARBITRAGE LTD.; SPHINX SPECIAL :  
SITUATIONS LTD., SPHINX MACRO LTD.; :  
SPHINX LONG/SHORT EQUITY LTD.; :  
SPHINX MANAGED FUTURES LTD.; SPHINX :  
EQUITY MARKET NEUTRAL LTD.; SPHINX :  
CONVERTIBLE ARBITRAGE LTD.; SPHINX :  
FIXED INCOME ARBITRAGE LTD.; SPHINX :  
DISTRESSED FUND SPC; SPHINX MERGER :  
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FUND SPC; SPHINX LONG/SHORT EQUITY :  
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FUND SPC; SPHINX EQUITY MARKET :  
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CONVERTIBLE ARBITRAGE FUND SPC; :  
SPHINX FIXED INCOME ARBITRAGE FUND :  
SPC; PLUSFUNDS MANAGED ACCESS FUND :  
SPC LTD.; KENNETH M. KRYSS and :  
CHRISTOPHER STRIDE as assignees of claims :  
assigned by MIAMI CHILDREN'S HOSPITAL :  
FOUNDATION, OFI, GREEN & SMITH :  
INVESTMENT MANAGEMENT LLC, THALES :  
FUND MANAGEMENT LLC, KELLNER :  
DILEO & CO., LLC, MARTINGALE ASSET :  
MANAGEMENT LP, LONGACRE FUND :  
MANAGEMENT LLC, ARNHOLD & S. :  
BLEICHROEDER ADVISERS LLC, PICTET & :  
CIE, RGA AMERICA REINSURANCE :  
COMPANY, DEUTSCHE BANK (SUISSE) SA, :  
ARAB MONETARY FUND, HANSARD :  
INTERNATIONAL LTD., CONCORDIA :  
ADVISORS LLC, GABELLI SECURITIES, INC., :

Case No. 08-cv-3065 (GEL)

Case No. 08-cv-3086 (GEL)

**ORDER ADMITTING  
SAMUEL R. RANDALL  
PRO HAC VICE**

CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICewaterHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICewaterHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.; CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND  
MANAGEMENT LLC; CHRISTOPHER  
PETTIT; and REFCO GROUP HOLDINGS,

INC.; and REFCO ASSOCIATES, INC., :  
 :  
 Defendants :  
 -----X

Upon the motion of plaintiffs Kenneth M. Krys and Christopher Stride, as Joint Official Liquidators of SPhinX, Ltd., SPhinX Macro Fund SPC, SPhinX Macro, Ltd., SPhinX Managed Futures Fund SPC, SPhinX Long/Short Equity Fund SPC, SPhinX Convertible Arbitrage Fund SPC, SPhinX Fixed Income Arbitrage Fund SPC, SPhinX Distressed Fund SPC, SPhinX Merger Arbitrage Fund SPC, SPhinX Special Situations Fund SPC, SPhinX Equity Market Neutral Fund SPC, SPhinX Strategy Fund, Ltd., SPhinX Plus SPC, Ltd., SPhinX Managed Futures, Ltd., SPhinX Long/Short Equity, Ltd., SPhinX Convertible Arbitrage, Ltd., SPhinX Fixed Income Arbitrage, Ltd., SPhinX Distressed, Ltd., SPhinX Merger Arbitrage, Ltd., SPhinX Special Situations, Ltd., SPhinX Equity Market Neutral, Ltd., and PlusFunds Managed Access Fund SPC, Ltd., Kenneth M. Krys and Christopher Stride, as assignees of claims assigned by Miami Children's Hospital Foundation, OFI, Green & Smith Investment Management LLC, Thales Fund Management LLC, Kellner Dileo & Co., LLC, Martingale Asset Management LP, Longacre Fund Management LLC, Arnhold & S. Bleichroeder Advisers LLC, PicTet & Cie, RGA America Reinsurance Company, Deutsche Bank (Suisse) SA, Arab Monetary Fund, Hansard International Ltd., Concordia Advisors LLC, Gabelli Securities, Inc., Citco Global Custody, and James P. Sinclair, as Trustee of the SPhinX Trust (collectively, "Plaintiffs"), pursuant to Local Civil Rule 1.3(c), for the admission *pro hac vice* of Samuel R. Randall in the above-captioned matter, and David Molton's affirmation in support;

**IT IS HEREBY ORDERED** that

Samuel R. Randall  
Beus Gilbert PLLC  
4800 North Scottsdale Road, Suite 6000  
Scottsdale, Arizona 85251  
Tel. (480) 429-3000  
Fax. (480) 429-3100  
Email: [srandall@beusgilbert.com](mailto:srandall@beusgilbert.com)

is admitted to practice *pro hac vice* as counsel for the Plaintiffs in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: New York, New York  
May \_\_, 2008

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Hon. Gerard E. Lynch  
U.S.D.J.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|  |   |                           |
|--|---|---------------------------|
| -----X                                 | : |                           |
|  | : |                           |
| In re REFCO INC. SECURITIES LITIGATION | : | Case No. 07-MD-1902 (GEL) |
|  | : |                           |
| -----X                                 | : |                           |

This Document Relates to:

|   |   |                                    |
|---|---|------------------------------------|
| -----X                                    | : |                                    |
| KENNETH M. KRYS and CHRISTOPHER           | : |                                    |
| STRIDE, as JOINT OFFICIAL LIQUIDATORS     | : |                                    |
| of SPHINX LTD., SPHINX STRATEGY FUND      | : | Case No. 08-cv-3065 (GEL)          |
| LTD.;                                     | : |                                    |
| SPHINX PLUS SPC LTD., SPHINX              | : | Case No. 08-cv-3086 (GEL)          |
| DISTRESSED LTD., SPHINX MERGER            | : |                                    |
| ARBITRAGE LTD.; SPHINX SPECIAL            | : |                                    |
| SITUATIONS LTD., SPHINX MACRO LTD.;       | : |                                    |
| SPHINX LONG/SHORT EQUITY LTD.;            | : |                                    |
| SPHINX MANAGED FUTURES LTD.; SPHINX       | : | <b><u>AFFIDAVIT OF SERVICE</u></b> |
| EQUITY MARKET NEUTRAL LTD.; SPHINX        | : |                                    |
| CONVERTIBLE ARBITRAGE LTD.; SPHINX        | : |                                    |
| FIXED INCOME ARBITRAGE LTD.; SPHINX       | : |                                    |
| DISTRESSED FUND SPC; SPHINX MERGER        | : |                                    |
| ARBITRAGE FUND SPC; SPHINX SPECIAL        | : |                                    |
| SITUATIONS FUND SPC; SPHINX MACRO         | : |                                    |
| FUND SPC; SPHINX LONG/SHORT EQUITY        | : |                                    |
| FUND SPC; SPHINX MANAGED FUTURES          | : |                                    |
| FUND SPC; SPHINX EQUITY MARKET            | : |                                    |
| NEUTRAL FUND SPC; SPHINX                  | : |                                    |
| CONVERTIBLE ARBITRAGE FUND SPC;           | : |                                    |
| SPHINX FIXED INCOME ARBITRAGE FUND        | : |                                    |
| SPC; PLUSFUNDS MANAGED ACCESS FUND        | : |                                    |
| SPC LTD.; KENNETH M. KRYS and             | : |                                    |
| CHRISTOPHER STRIDE as assignees of claims | : |                                    |
| assigned by MIAMI CHILDREN'S HOSPITAL     | : |                                    |
| FOUNDATION, OFI, GREEN & SMITH            | : |                                    |
| INVESTMENT MANAGEMENT LLC, THALES         | : |                                    |
| FUND MANAGEMENT LLC, KELLNER              | : |                                    |
| DILEO & CO., LLC, MARTINGALE ASSET        | : |                                    |
| MANAGEMENT LP, LONGACRE FUND              | : |                                    |
| MANAGEMENT LLC, ARNHOLD & S.              | : |                                    |
| BLEICHROEDER ADVISERS LLC, PICTET &       | : |                                    |
| CIE, RGA AMERICA REINSURANCE              | : |                                    |
| COMPANY, DEUTSCHE BANK (SUISSE) SA,       | : |                                    |
| ARAB MONETARY FUND, HANSARD               | : |                                    |
| INTERNATIONAL LTD., CONCORDIA             | : |                                    |
| ADVISORS LLC, GABELLI SECURITIES, INC.,   | : |                                    |

CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-


CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICEWATERHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICEWATERHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.; CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM  
VENTURES, INC.; BECKENHAM TRADING  
CO., INC.; ANDREW KRIEGER; COAST  
ASSET MANAGEMENT, LLC, f/k/a COAST  
ASSET MANAGEMENT LP; CS LAND  
MANAGEMENT LLC; CHRISTOPHER  
PETTIT; and REFCO GROUP HOLDINGS,

INC.; and REFCO ASSOCIATES, INC., :  
 :  
 Defendants :  
-----X

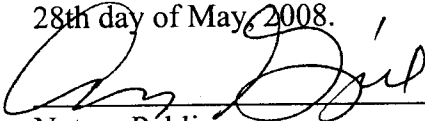
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

Sarina Lo Cascio being duly sworn, deposes and says: I am not a party to the within action, am over 18 years of age and reside in New York, New York.

On the 28th day of May, 2008, I caused to be served a true copy of the Motion for *Pro Hac Vice* Admission of Samuel R. Randall, the Affirmation of David Molton in Support of Motion for Admission of Counsel *Pro Hac Vice*, the Affidavit of Samuel R. Randall in Support of Motion for Admission of Counsel *Pro Hac Vice*, and the proposed Order Admitting Samuel R. Randall *Pro Hac Vice* on the parties listed on the attached service list by first-class mail, postage prepaid.

  
\_\_\_\_\_  
Sarina Lo Cascio

Sworn to before me this  
28th day of May, 2008.

  
\_\_\_\_\_  
Notary Public

EVELYN GONZALEZ  
Notary Public, State of New York  
No. 01GO5045489  
Qualified in Queens County  
Commission Expires June 19, 2011

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